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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,661	04/30/2001	Mototaka Iwata	MIZ34	2740

6980 7590 07/01/2003

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[REDACTED] EXAMINER

DUONG, THANH P

ART UNIT	PAPER NUMBER
3711	9

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/845,661	IWATA ET AL.
	Examiner Tom P Duong	Art Unit 3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 April 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-78 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-78 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-17 and 39-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werner et al. (6,319,150). Werner et al. discloses a golf club head having an elliptical (Col. 4, lines 22-27 and Fig. 3) striking face with variation of thickness in the face where the greatest thickness is at the center of the face plate (Figs. 3-10) and progressively thinner toward the edges of the face. (Col. 2, lines 33-65). Such configuration is the same or very similar as the Applicant's invention. Note, the bending stress is greatest at the center and progressively lower approaching the edge or periphery of the face. Having the greatest stress moment at the center of the face inherently has the greatest flexural modulus range at the face center. Thus, it is inherent and obvious in view of Werner that the face structure of Werner has the flexural range or ranges similar to the claimed invention or at most thru routine optimization. With respect to the spring load, it is inherent that golf manufacturers will test the club head to ensure that it can withstand ball impact and comply with USGA test procedure.

2. Claims 18-38 and 58-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werner '150 as applied to claims 1-17 above, and further in view of Kosmatka (6,471,603) and Kosmatka (5,971,868). Werner discloses the claim invention except a "non-concentric" periphery region. Kosmatka '603 and '868 teach a contoured surface having several thin periphery regions or "non-concentric" periphery regions of the striking face in order to distribute the stress more evenly in the face, which minimizes potential cracking. (See Kosmatka '603, Figure 1 and Kosmatka '868, Figure 1B and 1C). Thus, it would have been obvious in view of Kosmatka '603 and Kosmatka '868 to one having ordinary skill in the art to modify the striking face of Werner '150 to include the thin periphery regions of Kosmatka '603 and/or Kosmatka '868 in order to gain the above benefits. Note, the exact arrangement of its regions, thicknesses, and partitions is matter of design choice or at least thru routine optimization in view of prior art.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-77 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (703) 305-4559. The examiner can normally be reached on 8:00AM - 4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on (703) 308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 873-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Tom Duong  
June 25, 2003

  
Paul T. Sewell  
Supervisory Patent Examiner  
Group 3700